

COMPTROLLER GENERAL OF THE UNITED STATES
Washington 25

B-10711/2

March 3, 1952

STATINTL

Mr. H. W. Griffin, Authorized Certifying Officer
Department of State

Dear Mr. Griffin:

Reference is made to your letter of December 14, 1951 (File OBF:DF/Y), enclosing a reclaim voucher for \$63 in favor of Leon B. Poullada, Foreign Service Officer, representing per diem in lieu of subsistence claimed for temporary duty in Washington, D. C., incident to the officer's return to the United States from Colombo, Ceylon, for home leave in California and the transfer of his permanent post to Washington. Under the facts herein-after related you request to be advised as to whether the voucher properly may be certified for payment.

The employee's authorization, in effect, directed his return to the United States for home leave and the transfer of his permanent station from Colombo, Ceylon, to Washington, and also directed that he report at Washington for a period of consultation before proceeding to Manhattan Beach, California, on statutory leave. On the expiration of his leave the order directed that the employee report to Washington for permanent duty. Per diem while in Washington for consultation was specifically authorized for a period not to exceed five working days unless the period extended into two work weeks in which event per diem was authorized for the intervening week end.

The authorized per diem was administratively disallowed under the established rule that an employee is not entitled to receive per diem at a place of temporary duty subsequent to receipt of actual notice that the point of temporary duty is to become his new official station. In that regard your letter cites 5 Comp. Gen. 874, 24 id. 593. Your doubt in the matter arises in connection with the application of that rule to the above related facts and in that regard your letter comments in part, as follows:

"Irrespective of their next posts of assignment, all employees of the Foreign Service ordered to the United States for statutory leave, are directed to report to the Department for a period of consultation during which per diem is authorized in accordance with Section 103.607(g) of the Foreign Service Regulations. After a minimum two years' tour of duty at a post abroad, it is considered advantageous to the Department that employees be interviewed by officers in the regional bureaus and area operations offices concerning problems peculiar to their last posts of assignment; and, in addition, interviews may be required in intelligence, budget and fiscal, and other matters. The fact that some of these employees are entering on Departmental assignments after completion of temporary duty and thence statutory leave has no direct connection with the purpose of or duties performed during the period of temporary duty."

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The case here involved may be distinguished from those in the decisions referred to, and others falling within the scope of the general rule, since under the administrative practice described in the paragraph quoted immediately above the employee's presence in Washington for consultative purposes is not related or incident to his assumption of permanent duty at that place upon completion of his statutory leave, it being evident that he would be required to report for temporary duty in Washington regardless of whether that city was to be his future permanent station or not.

Accordingly, the voucher enclosed with your letter is returned herewith and if correct in other respects it properly may be certified for payment.

Sincerely yours,

(Signed)LINDSAY C. WARREN

Comptroller General
of the United States

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